



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/641,088

08/17/2000

Dirk Reifel

23901-901.02

4519

7590

11/21/2002

Barley, Snyder, Senft & Cohen, LLC
126 East King Street
Lancaster, PA 17602-2893

EXAMINER

HECKENBERG JR. DONALD H

ART UNIT

PAPER NUMBER

1722

DATE MAILED: 11/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/641,088

Applicant(s)

REIFEL, DIRK

Examiner

Donald Heckenberg

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on the amendment filed on July 29, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 7-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1 and 13-16 is/are rejected.
- 7) ☐ Claim(s) 2-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 17 August 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 1722

1. Applicant's election of Group I (claims 1-6, and 13-16) in Paper No. 8 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. The abstract of the disclosure is objected to because The abstract should be in narrative form. Correction is required. See MPEP § 608.01(b).

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the positioning means (as recited in claim 1) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. Claim 4 is objected to because of the following informalities: it would be better to write out the word

Art Unit: 1722

"approximately" rather than use an abbreviation. Appropriate correction is required.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 13-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 13, line 1, the phrase "plug-like" renders the claim(s) indefinite because the claim(s) include elements not actually disclosed (those encompassed by "like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d). Note claims 14-16 depend from claim 13.

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the

Art Unit: 1722

invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Müller et al. (US Pat. No. 6,309,566).

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Müller teaches a method of making an optical component having a molded body of transparent moldable material comprising introducing a closure member (11) into a coupling portion (7) of a mold (1), filling the moldable material (28) into the mold, introducing a carrier of an optical transducer (4) through a mold opening (2), aligning the carrier in relation to the mold utilizing at least one positioning means, curing the moldable material, and removing the closure member (see col. 5, lns. 26 - col. 6, ln. 2, and col. 6, lns. 10-14).

Note that the claim 1 of the instant application does not require the steps of the recited method to be performed in any specific manner. Therefore, Müller anticipates the claim language as recited. Note further, that if the method was set

Art Unit: 1722

forth in a specific order of steps in order to distinguish over Müller, the new claim would not necessarily be patentable. See In re Burhans, 154 F.2d 690, 69 USPQ 330 (Cust. & Pat. App. 1946) (noting the selection of any order of performing process steps is prima facie obvious in the absence of new or unexpected results absent of any proof in the record that the order of performing the steps produces any new and unexpected result).

9. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Musk (US Pat. No. 5,094,518).

Musk teaches a method of making an optical component having a molded body of transparent moldable material comprising introducing a closure member (15) into a coupling portion of a mold (2), filling the moldable material into the mold, introducing a carrier (1) of an optical transducer through a mold opening, aligning the carrier in relation to the mold utilizing at least one positioning means (fig. 1c), curing the moldable material, and removing the closure member (see figs. 1c-1f, and col. 2, ln. 58 - col. 3, ln. 17).

10. Claims 2-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in

Art Unit: 1722

independent form including all of the limitations of the base claim and any intervening claims.

11. Claims 13-16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

12. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to teach or suggest a method of making an optical component having a molded body of a transparent moldable material comprising introducing a closure member into a coupling portion of a mold, filling a moldable material into the mold, introducing a carrier of an optical transducer through a mold opening, aligning the carrier in relation to the mold utilizing at least one positioning means, curing the moldable material, and removing the closure member, wherein the coupling portion has an opening, and the opening has a circumferential edge for receiving a corresponding sealing area of the closure member as recited in claim 2.

The closest prior art taught by Müller and Musk is described above. Müller and Musk both teach the closure member to be placed in, and contacting the inside of an opening of the

Art Unit: 1722

coupling portion, as opposed to the opening having a circumferential edge for receiving a corresponding sealing area of the closure member as recited in claim 2.

13. The following reference is cited, but not relied upon, as being pertinent to the instant application:

Kropp (US Pat. No. 6,312,624) teaches a method for producing an electrooptical module.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Heckenberg whose telephone number is (703) 308-6371. The examiner can normally be reached on Monday through Friday from 9:30 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jan Silbaugh, can be reached at (703) 308-3829. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 for responses to non-final action, and 703-872-9311 for responses to final actions. The unofficial fax phone number is (703) 305-3602.

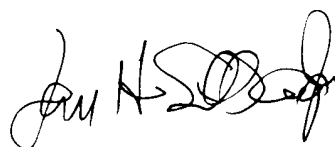
Application/Control Number: 09/641,088

Page 8

Art Unit: 1722

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Donald Heckenberg
November 13, 2002



UNIT 1722
SUPERVISOR'S OFFICE
ART UNIT 1722

11/18/02